

**CITY OF BURLINGTON
BOARD OF ADJUSTMENT
ZONING VARIANCE APPLICATION**



The Board of Adjustment meets the second Tuesday of every month at 8:30 a.m. in the City Council Chambers. This application is to be completed by the applicant and returned no later than 5:00 p.m. on the last Wednesday of the month prior to the meeting, with a **\$200.00 non-refundable filing fee.**

Date: _____ Date of Meeting: _____

Name: _____

Address: _____

Phone Number: _____

Address or location where variance is requested: _____

Variance requested from ordinance section(s): _____

Reason for variance: _____

Property zoned: _____

Factors relevant to the issuance of a variance:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the board is required to reach three conclusions as a prerequisite to the issuance of a variance:

- (1) That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance;
- (2) that the variance is in harmony with the general purpose and intent of the ordinance and preserves it's spirit; and,
- (3) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

In the following spaces, indicate the facts that you intend to show and the arguments you intend to make to convince the Board that it can properly reach these required conclusions.

- 1) **THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE.** The courts have developed three rules to determine whether in a particular situation, “practical difficulties or unnecessary hardships” exist.

State facts and arguments in support of each of the following:

- (a) If he complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of his property.

Statement by Applicant: _____

- (b) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land. Hardship in this sense means only a physical problem with the land. Example: a ditch, creek or powerline easement runs through the property).

Statement by Applicant: _____

- (c) The hardship is not the result of the applicant's own action.

Statement by Applicant: _____

- 2) **THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES IT'S SPIRIT.** (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood).

Statement by Applicant: _____

- 3) **THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFTEY AND WELFARE AND DOES SUBSTANTIAL JUSTICE.** (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant).

Statement by Applicant: _____

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Signature

OFFICE USE ONLY

Application reviewed by: _____

Date: _____

Date of Meeting: _____